

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In re:

In Re:

Evaristo Burdiez,

Debtor.



Order Filed on December 2, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Hearing Date: November 18, 2021

Case No.: 20-23664 VFP

Chapter: 13

Judge: Vincent F. Papalia

**ORDER GRANTING MOTION OF NORTH JERSEY PUBLIC ADJUSTERS INC. FOR
THE RELEASE OF ITS PUBLIC ADJUSTER'S FEE AND DENYING CROSS MOTION**

The relief set forth on the following page is **ORDERED**.

DATED: December 2, 2021



Honorable Vincent F. Papalia
United States Bankruptcy Judge

Creditor North Jersey Public Adjusters, Inc. ("North Jersey"), by and through its counsel, Jeffrey A. Bronster, Esq., having moved the Court for an Order directing the return from the bankruptcy estate of its public adjuster's fee in the amount of \$12,532.73 (the "Motion"), and Debtor Evaristo Burdiez (the "Debtor") having opposed the Motion and filed a Cross-motion (the "Corrss-motion") through his counsel, Roger Chavez, Esq., for an Order expunging North Jersey's Proof of Claim and compelling certain discovery, and the Court having duly considered all of the papers submitted and the arguments had thereupon, and for good cause shown for the reasons stated by the Court on the record on November 18, 2021, it is hereby

ORDERED as follows:

1. North Jersey's Motion is granted, and the Chapter 13 Trustee shall accordingly issue a check in the amount of \$12,532.71 payable to "North Jersey Public Adjusters, Inc.", to be sent to the office of North Jersey's counsel. In issuing this Order, it is the Court's express intent and determination that for purposes of this bankruptcy proceeding, and to the extent relevant to other proceedings, the release and payment of this amount is to be attributed one-half (or \$6,266.36) each to the Debtor and Ms. Cecilia Otero, as was argued by Ms. Otero, but was disputed by the Debtor;

2. Within 10 days of receipt of the check from the Trustee, North Jersey shall withdraw its Proof of Claim, filed as Proof of Claim No. 20.

3. Debtor's Cross-motion to expunge North Jersey's claim is denied;

4. This Order is not and is not intended to be an adjudication of any cause of action that Debtor may claim to have against North Jersey based on its performance of its public adjusting services, and is entered without prejudice to whatever rights the Debtor may have to assert such a claim and without prejudice to North Jersey's rights to assert any defenses it may have to any such claim; and

5. Debtor's Cross-motion to compel certain discovery is denied, without prejudice to Debtor's right to refile it as a separate motion.